

LAW AND THE ART WORLD

Scams and other continuing nuisances

By Bill Frazier ©2014

Artist readers continue to be solicited by a variety of scam promoters attempting to get into their pockets and bank accounts. Congratulations to those of you who recognized these ploys and called me for support and advice. The solicitations are consistent, but the English wording and approaches are becoming more correct and sophisticated.

The typical approach involves several steps and operates more or less as follows: you, as an artist, will receive a call, email or letter from an overseas “customer” praising your work and wanting to buy one or more pieces for a family special occasion, anniversary or wife’s birthday. Your work has just come to his attention, he wants it immediately, if not sooner, and a sense of urgency is imparted.

The person is always so busy that he must deal with an intermediary, for example, a friend, messenger or business associate, who is knowledgeable about artwork and often works at an important-sounding job. From all the artists in the world, your work has been selected for purchase.

There is a convoluted discussion about sending a courier to assist in packing and shipping and that the piece will be sent to a third-party recipient out of the country. However, before the courier arrives, the customer will send a cashier’s check for substantially more than the price of the artwork. These additional funds are to assist with the shipping, but, in the meantime, you must get cash for the difference and give the extra amount to the courier.

What you do not know is that the check is counterfeit, and you will be out not only your artwork, but also the cash.

A variation on this scheme is that the counterfeit cashier’s check is sent and in the meantime, a family tragedy has occurred, and the sale must be cancelled, but since you have cashed the check, you are directed to return the purchase price (the cash) to the “courier.” Again, since the check is fake, and sometimes it takes the bank several days to discover this, you are out the money turned over to the courier. In the first example, you lose both the artwork and the cash; in this version, just the cash.

I have written about this situation enough times that readers are beginning to recognize the technique, and often call to tell me about their experiences. The flip side is that the scammers are getting a little more sophisticated, using better English grammar and less involved scenarios in their approach to artists.

The basics remain the same, however, with the foreign buyer, the urgency and the counterfeit bank or cashier’s check. If you experience this type of offer of purchase, be diligent and suspicious.

Tax season approaches

As we approach the tax deadline, be aware that there are major tax changes coming into play for 2015, so be diligent about this as well and stay in touch with your CPAs. Tax rates will be changing and there will also be changes in deductions and other elements we have taken for granted for years. I will write more about this in the next article.

The “good investment” issue continues to come up with both artists and galleries hyping their works. Artists should not present their work as “investment” quality, and galleries, especially, should not use this terminology because of potential legal liabilities they could incur.

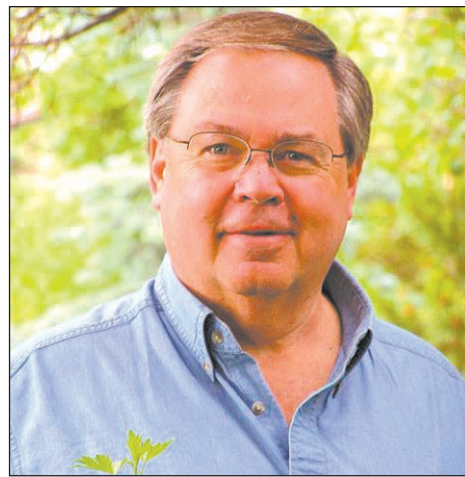
Similarly, neither artists nor galleries should refer to their buyers as “investors.” When buyers are induced to purchase an item based on assurances of investment value, legal protections for the buyer come into play. Most galleries are not equipped to deal with such issues and resulting legal ramifications.

From the IRS standpoint, investment work cannot be hung on the wall to be enjoyed, anyway. So, do not create gratuitous liabilities for yourselves just to sell art work.

As in years past, I have made my summer tour of many galleries around the West and have pretty much the same observations as in years past. I make almost the same comment every year.

The two things that bother me the most are first, all the hype that some artists seem to generate, and second, all of the hype associated with giclee prints in whatever format.

So, when a gallery representative wel-



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comes me into a gallery with the comment that the first artist’s work that I look at is the best “investment” I can make this year, I am ready to leave. I will probably not buy any of that artist’s work and will buy nothing from that gallery. As a person who actually buys artwork, let me assure galleries and sales representatives, that this is not the approach to take with most buyers.

Giclees: Not original artworks

There seems to be much confusion about what a giclee print actually is. I am bothered when such prints are included in the originals section of a gallery or included with etchings, serigraphs and other actual prints made by the hand of the artist. Salespeople often do not know what they are or are not, and artists hype them. They are just prints, for example, reproductions. They may be very good and signed, or not, by the artist, and enhanced or not, but they are still reproductions.

Just let them be what they are, excellent quality images for either beginning collectors or buyers who love the subject. They emphatically are not original works of art. Why continue to portray them as anything else?

Bill Frazier served a lengthy and invaluable tenure as chairman of the Montana Arts Council. He can be reached at artlaw@itstriangle.com. MAC thanks *Art of the West* for permission to reprint this series.



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Four common LinkedIn mistakes to avoid

Social media tools like LinkedIn are meant to be helpful.

Don’t make these four mistakes:

- **Inappropriate photos.** LinkedIn is your online resume. Keep it neat and classy.

- **Lack of privacy.** If you look at someone’s profile, they get a notification. Don’t forget to control your privacy settings.

- **Linking to personal accounts.** Don’t link to your Facebook or Twitter pages if posts are unprofessional.

- **Not taking advantage.** LinkedIn offers many features (adding photos, links, etc.). Use them.

Info: is.gd/5LinkedIn

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Tech Talk: Taking your life back from Facebook

By Mark Ratledge

In this modern age, we are immersed in social media from the moment we wake up. It’s everywhere: in the business world, in family connections and with work. But as with everything high tech that is so persuasive in life, there is another side to the story.

Maybe you have realized you spend hours scrolling through Facebook updates and are tired of the time drain. And you’ve probably heard of the security and data-collection backlashes against social media. And you’ve seen the ads on Facebook that “know” the other sites you have visited or what you have shopped for. Facebook’s secret experiments last year with manipulating news feed content for research purposes were unsettling, even though all users agreed to such tests when clicking through Facebook’s terms of service agreement.

After all that, you may feel like the frog in hot water, not knowing beforehand that it’s about to be boiled alive. But it’s not too late. You can quit social media.

I’m seriously considering quitting Facebook. Though I like posting news articles and things of interest and seeing what others have to say, I’m aware that it’s a huge time drain. We can limit what we see on our Facebook news feed, but still: the friend

requests and the postings from friends of friends just get to be too much sometimes. And the security and data-collection implications of Facebook continue to get worse.

So how does one delete a Facebook account? It’s no surprise that Facebook doesn’t make it easy to quit. It’s their business model. It’s actually easier to go to a website called deletefacebook.com and read about the process than navigate through Facebook’s own help documents.

Deletefacebook.com is run by a web developer named Edward Cant who lives near London. He gives a full rundown on how to delete your Facebook account. He points out that when you start the process to delete your account – and it is a process – don’t even log back into Facebook before the end of two weeks. If you do, your delete request will be canceled. And what Facebook calls “deactivation” isn’t deleting. Your account will remain in a dormant state, but it is still there, ready to be reactivated.



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Of course, it’s not possible to delete everything that you’ve posted on Facebook over the years (which reinforces the old idea that you should be careful what you post online, anyway). Some emails and photos will stay in other people’s accounts and timelines; that’s the way Facebook works.

Cant advises people to post an “Account Deletion Epitaph” to inform people why you’re quitting and asking them to delete your emails and photos and to not post anything in the future that personally identifies you. He also reports that he gets 185,000 hits a month on his site, which shows the interest in quitting Facebook.

Maybe you find can’t fully quit Facebook if your social media presence is tied to a business or organization or family. But maybe you can start a new Facebook page for your business life and pare back or delete your personal page.

If you feel overwhelmed, look into taking back your life from Facebook.